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The Copyright Alliance

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE DMCA § 512(H) SUBPOENA TO
TWITTER, INC.

Case No.: 20-mc-80214-VC

**NOTICE OF MOTION AND
UNOPPOSED MOTION OF THE
COPYRIGHT ALLIANCE FOR
LEAVE TO FILE AMICI CURIAE
BRIEF**

Date: May 12, 2022

Time: 10:00 A.M

Dept: Courtroom 4, 17th Floor

Hon. Vince Chhabria

PLEASE TAKE NOTICE that at 10:00 AM on May 12, 2022, the Copyright Alliance will move for leave to file a brief as amici curiae relating to Magistrate Judge Donna M. Ryu's order granting Bayside's motion to compel and denying Twitter's motion to quash (Dkt. No. 21). Pursuant to this Court's Order (Dkt. No. 26) establishing a briefing schedule in this case, the Copyright Alliance respectfully moves for leave to file a brief of amicus curiae in the above

captioned matter. The proposed brief is attached hereto as an exhibit to the motion. Before filing, counsel for the Copyright Alliance conferred with counsel for both parties. Neither party objects to the Copyright Alliance filing a brief in this matter. For the reasons that follow, the motion should be granted.

Identity and Interests of the Copyright Alliance

The Copyright Alliance is a nonprofit, nonpartisan 501(c)(4) public interest and educational organization, that is dedicated to advocating policies that promote and preserve the value of copyright and that protect the rights of creators. The Copyright Alliance represents the copyright interests of over 1.8 million individual creators and over 13,000 organizations across all creative industries, including graphic and visual artists, photographers, writers, musical composers and recording artists, journalists, documentarians and filmmakers, software developers, and the businesses that support them.

The Copyright Alliance is not affiliated with Bayside or Twitter and is not here in support of any party. Rather, the Copyright Alliance submits this amicus brief because its members have a strong interest in ensuring that the delicate balance Congress created through the Digital Millennium Copyright Act (“DMCA”) is upheld and that the DMCA is implemented and interpreted as Congress intended. The Copyright Alliance’s members depend on copyright law to protect their works against infringement and to sustain their ability to continue creating and disseminating expressive works for the public’s benefit.

Twitter and its amici supporters seek to rewrite existing legal rules—under Section 512 of the DMCA—for unmasking anonymous online infringers and to place on copyright holders burdens that the copyright laws do not impose. Doing so would greatly hinder copyright holders’ ability to fight against infringement online.

As the Copyright Alliance's brief argues, Magistrate Judge Ryu carefully considered the law, the record, and the circumstances presented and her ruling should be adopted.

The Copyright Alliance respectfully requests that this Court grant its motion for leave to file the attached amicus brief.

Dated: April 4, 2022

Respectfully submitted,

/s/ Rebecca Weissman

Rebecca Weissman

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